

CITY COUNCIL MEETING

November 12, 2013

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Mayor Nelson called the meeting to order and asked the Clerk to call the roll:

PRESENT: Mayor Nelson, Councillors Ashley, Cilley, Hosmer, Morley, Skamperle and Stevenson

ABSENT: None

PRESENTATION

1. Stephen B. LeFevre, P.G., C.P.G., Managing Hydrogeologist at Barton & Loguidice, P.C., provided Council with a Shade Roller update. (A copy of the discussion items and presentation material follows these minutes.)

PROCLAMATION

1. Mayor Nelson made a proclamation proclaiming November 11, 2013 through November 15, 2013 as Key Club Week in the City of Ogdensburg. (A copy of the proclamation follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #19-2013 in the amount of \$344,427.25 and Library Fund Warrant #19-2013 in the amount of \$20,400.57 and Capital Fund Warrant #19-2013 in the amount of \$35,334.00 and Community Development Fund Warrant #19-2013 in the amount of \$3,233.00 and Community Renewal Fund Warrant #19-2013 in the amount of \$7,398.00 and HOME Fund Warrant #19-2013 in the amount of \$0.00 and AHC Funds Warrant #19-2013 in the amount of \$0.00 and NSP Funds Warrant #19-2013 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

Mayor Nelson made a motion to adjourn into Executive Session to discuss the disposition of City-owned property and a Charter amendment, Councillor Ashley seconded the motion. Councillor Morley asked why Executive Session was scheduled in the middle of the meeting instead of at the end. City Manager John Pinkerton explained to make better use of the City Attorney's time and reduce the expense.

The vote to move to Executive Session was:

CARRIED, AYES ALL

Upon returning from Executive Session, all members of Council were still present.

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a resolution authorizing the City Manager to submit an Urban Forestry Tree Planting Grant Application in an amount not to exceed \$25,000, and Councillor Stevenson seconded to wit:

A RESOLUTION TO AUTHORIZE THE SUBMISSION OF AN URBAN FORESTRY TREE PLANTING GRANT APPLICATION

WHEREAS, the New York State Department of Environmental Conservation (DEC) is committed to implementing a successful Urban and Community Forestry (U&CF) Program and dedicated to providing support and assistance to communities in the development and implementation of comprehensive tree planning, management, and education to create healthy urban and community forests to enhance the quality of life for urban residents; and

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WHEREAS, in furtherance of this Goal, the City has developed a tree inventory and management plan, thereby making the City eligible to apply for tree planting funds; and

WHEREAS, Ogdensburg NY is a Tree City USA; and

WHEREAS, properly located trees, can reduce air pollution, improve water quality, lower heating and cooling costs, minimize storm water runoff, decrease soil erosion, lessen the urban heat island effect, buffer noise pollution, provide habitat for wildlife, increase property values, and contribute to the psychological and social health of communities; and

WHEREAS, research has shown that trees in urban and urbanizing areas such as Ogdensburg can mitigate the negative effects of urban development and improve environmental quality, ecological services, and even economic prosperity; and

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Manager is hereby authorized to submit an application not to exceed \$25,000 for an Urban Forestry tree planting Grant, and if received, to enter into any necessary contracts to administer the grant; and

BE IT FURTHER RESOLVED, that the 50% match will consist of in-kind staff services, force and volunteer labor, and dedicated cash resources.

City Manager John Pinkerton said the funds could be used to purchase and plant trees.

The vote was:

CARRIED, AYES ALL

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2. Councillor Stevenson moved a resolution authorizing the City Manager to submit an Urban Forestry Tree Planting and Maintenance Grant Application in an amount not to exceed \$25,000, and Councillor Skamperle seconded to wit:

A RESOLUTION TO AUTHORIZE THE SUBMISSION OF AN
URBAN FORESTRY GRANT APPLICATION

WHEREAS, the New York State Department of Environmental Conservation (DEC) is committed to implementing a successful Urban and Community Forestry (U&CF) Program and dedicated to providing support and assistance to communities in the development and implementation of comprehensive tree planning, management, and education to create healthy urban and community forests to enhance the quality of life for urban residents; and

WHEREAS, Ogdensburg NY is a Tree City USA having developed a tree inventory and management plan, thereby making the City eligible to apply for tree planting and maintenance funds; and

WHEREAS, Emerald Ash Borer (EAB), an invasive insect that destroys Ash trees has been detected in 13 states, including NY and two Canadian provinces including Ontario; and

WHEREAS, the City's tree inventory identified 169 Ash trees and the management plan recommended priority removal of 16 Ash trees; and

WHEREAS, the City seeks to protect its Ash tree resources while complying with the prescribed management practices in an effort to proactively address the EAB threat; and

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Manager is hereby authorized to submit an application not to exceed \$25,000 for an Urban Forestry tree planting and maintenance Grant, and if received, to enter into any necessary contracts to administer the grant; and

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BE IT FURTHER RESOLVED, that the 50% match will consist of in-kind staff services, and force and volunteer labor.

Councillor Skamperle asked why we are removing sixteen Ash trees. City Manager John Pinkerton said the trees are already deteriorated. Director of Planning & Development Andrea Smith said the trees are not worth keeping. Ms. Smith explained we will need to inoculate our Ash trees to protect them against EAB, but it was decided to remove these particular deteriorated Ash trees and preserve the others. Ms. Smith said we are unable to get the inoculation at this time because we are not in a recognized quarantine area. Ms. Smith explained we will need to time it right because the inoculation is only good for three years and the cost is about \$1,500 per tree. Ms. Smith said there is currently no money available for inoculation for our area. Councillor Stevenson asked if the \$25,000 is not completely spent if the remaining funds could be used for our tree maintenance. Ms. Smith said yes with an amended work plan and DEC approval. Councillor Morley asked if the trees are City-owned, and Mrs. Smith said yes. Councillor Morley said some trees on the Maple City Trail outside of the City limits are dying and asked if those trees were included in our census. Ms. Smith said no.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution calling for a public hearing and public notice on a proposed ordinance amending Chapter 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" and Section 209-57, Schedule XX: "Handicapped Parking" of the Code of the City of Ogdensburg, and Councillor Stevenson seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING
AN ORDINANCE AND PROVIDING FOR PUBLIC
NOTICE AND PUBLIC HEARING

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BE IT RESOLVED, that Ordinance No. _____ of 2013, entitled, Ordinance Amending Chapter 209 entitled "Vehicles and Traffic"; Chapter 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" and Section 209-57, Schedule XX: "Handicapped Parking" of the Code of the City of Ogdensburg be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid Ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 25th day of November, 2013 at 7:00 p.m., and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official newspaper at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

City Manager John Pinkerton explained we have discovered that there are two handicapped accessible ramps at the Presbyterian Church on Franklin Street. Mr. Pinkerton added that the Minister was out of town when City employees went there to do the site evaluation, and designated the wrong handicapped ramp. Councillor Cilley asked if there is a No Parking zone marked there now. Public Works Supervisor Gregg Harland said no. Mr. Harland said everything will be the same, but the designated area will just be further up the street. Mr. Harland said there is a 20 foot drop off zone which will be immediately followed by this proposed 20 foot handicapped parking area.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution introducing a local law and providing for public notice and public hearing to authorize a property tax levy in excess of the 2% cap, and Councillor Morley seconded to wit:

RESOLUTION
INTRODUCING LOCAL LAW #__ FOR 2013

BE IT RESOLVED that proposed Local Law #__ of the year 2013 entitled:

AMENDMENT to authorize an override of the property tax cap for 2014, be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers at 7:00 pm on Monday, November 25, 2013, and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least seven days prior thereto.

The vote was:

CARRIED, AYES ALL

5. Councillor Ashley moved a resolution to accept the 2014 Preliminary Budget and direct that the Preliminary Budget be filed with the City Clerk and the Comptroller of the City of Ogdensburg, and Councillor Skamperle seconded to wit:

RESOLUTION TO ACCEPT THE
2014 PRELIMINARY BUDGET

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WHEREAS, as required by the City Charter, the City Manager has submitted a preliminary budget for fiscal year 2014 to the City Council on or before November 1, 2013,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby accepts the preliminary budget and directs that the preliminary budget be filed with the City Clerk and the City Comptroller, and

BE IT FURTHER RESOLVED, and noted, that the preliminary budget is a public record and is available for inspection by the general public at the Office of the Comptroller.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution to establish a public hearing date for the Preliminary 2014 Budget for the City of Ogdensburg, and Councillor Stevenson seconded to wit:

RESOLUTION ESTABLISHING A PUBLIC HEARING
FOR THE 2014 PRELIMINARY BUDGET
OF THE CITY OF OGDENSBURG

BE IT RESOLVED, that the Ogdensburg City Council hereby establishes a public hearing on the Preliminary Budget of the City of Ogdensburg for 2014, said public hearing to be held at 7:00 pm on December 2, 2013 in the City Council Chambers, City Hall, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed resolution in summary form.

The vote was:

CARRIED, AYES ALL

7. Mayor Nelson moved a resolution to call for a public hearing on a Local Law which would amend Chapter 177 (Sections 5 and 6) of the Ogdensburg Municipal Code entitled Sewer Rates and Councillor Morley seconded to wit:

RESOLUTION
INTRODUCING LOCAL LAW # ___ of 2013

BE IT RESOLVED that proposed Local Law #___ of the year 2013 entitled:

Amendment to the OMC Chapter 177 Entitled Sewer Rates be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers at 7:00 pm on Monday, December 2, 2013, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed Local Law in summary form.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Stevenson said she had a tour of the walking bridge across the Oswegatchie River and thanked the DPW for the great job done on the sidewalks.

2. Councillor Morley requested an update on the use of the Arena. City Manager John Pinkerton said he received the schedule today and will send it out to Council tomorrow.

NEW BUSINESS

1. Councillor Skamperle requested a comparison study of Watertown, Canton and Potsdam sewer rates.

2. Councillor Ashley said he was contacted by a couple of residents interested in purchasing a Ford Street tavern that has been vacant and asked if the property can be reopened as a bar. Director of Planning & Development Andrea Smith said the zoning ordinance for a RB district prohibits taverns. Ms. Smith explained the business could sell food and obtain a liquor license, but since it has been closed for 18 months it cannot reopen as a bar. Councillor Stevenson asked if the property would also need to meet current zoning regulations such as parking, and Mrs. Smith said yes.

On a motion duly made and seconded, the meeting was adjourned.